(Spl.-H.C.A.S.,C.D.,78-e)

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF BOMBAY AT GOA
APPELLATE SIDE

CRIMINAL MISCELLANEOUS APPLICATION NOS. 285 OF 2003, 3 AND 4 OF 2004.

Office Note, Office Memoranda of Quorum, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's Orders

Mr. J.P. D'Souza, Advocate for the Applicants.

Mr. S.N. Sardessai, Public Prosecutor for the Respondent/State.

Coram : P.V. HARDAS, J.

Date : 7th January 2004.

P.C.: All the three applications for bail arise against a common Order, dated 29th November 2003, passed by the Special Judge, N.D.P.S. Court, Mapusa, dismissing the applications for bail filed by the present applicants.

2. Undisputedly the applicants came to be arrested for an offence punishable under Section 20(b)(ii) of the N.D.P.S. Act, 1985 read with Section 20(b)(ii)(B) of the N.D.P.S. (Amendment) Act, 2001, on the

allegation that charas weighing 315 grams was seized from the room, which was occupied by these applicants. The learned Special Judge declined to exercise discretion in favour of the applicants on the ground that the applicants, being foreign nationals, had no roots in India and there was a reasonable apprehension that the applicants would not be available for trial. The learned Special Judge, in the Order, quoted instances of foreigners, who had been released on bail and who, thereafter, had absconded.

3. Mr. D'Souza, the learned counsel appearing on behalf of the applicants, has brought to my notice an Order of the learned Single Judge of this Court, dated 31st December 2003, wherein the learned Single Judge, in similar set of circumstances, had granted bail to a foreign national. This Court, in the aforesaid matter, had imposed

certain conditions so as to allay the apprehension of the prosecution that the applicant/accused would not be available for trial.

4. In view of the Order of the learned Single Judge of this Court, I am, therefore, inclined to grant bail to the applicants.

5. Criminal Miscellaneous Applications are allowed and the applicants are released on bail on each of the applicants depositing an amount of Rs. 50,000/- in cash, in the trial Court and on furnishing a surety in the like amount, on the following terms and conditions:

(1) The applicants shall attend the Anjuna Police Station every day any time between 10.00 to 11.00 a.m. till the charge-sheet is filed. The applicants shall, thereafter, attend the Anjuna Police Station once a week on every Monday any time between 10.00 to 11.00 a.m.;

(2) The applicants shall not leave the State of Goa without the prior permission of the trial Court and in case the passports of the applicants have not been seized, the applicants shall deposit their passports in the trial Court;

(3) The applicants shall inform their permanent address at Goa and shall, in case of change of address, intimate the learned trial Court and the Police, accordingly; and

(4) The applicants shall not, either directly or indirectly, attempt to influence the witnesses.

P.V. HARDAS, J.

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